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7 Attorneys for Defendants,
8 GOLI NUTRITION, INC., a
9 CANADIAN CORPORATION, GOLI
NUTRITION INC., a DELAWARE
CORPORATION, DEEPAK AGARWAL,
and MICHAEL BITENSKY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

14 BETTER NUTRITIONALS, LLC, a
15 California Limited Liability Company,

16 Plaintiff.

V.

19 GOLI NUTRITION, INC., (a
20 CANADIAN CORPORATION); GOLI
21 NUTRITION INC., (a DELAWARE
CORPORATION); 12416913
22 CANADA INC.; DEEPAK
AGARWAL; MICHAEL BITENSKY;
VMG PARTNERS; VMG PARTNERS
23 V. L.P.; VMG PARTNERS IV, LP;

Case No. 5:22-cv-02219-SSS-SHK
[Assigned to U.S.D.J. Sunshine S.
Sykes and U.S.M.J. Shashi H.
Kewalramani]

**STIPULATION TO EXTEND TIME
TO RESPOND TO INITIAL
COMPLAINT BY NOT MORE
THAN 30 DAYS (L.R. 8-3)**

Complaint served on GOLI
NUTRITION, INC., a CANADIAN
CORPORATION: February 2, 2023¹
Initial response date: April 3, 2023
Current response date: April 17, 2023
New response date: April 28, 2023

Complaint served on GOLI NUTRITION INC., a DELAWARE CORPORATION: February 2, 2023
Initial response date: April 3, 2023

²⁶ ¹ As counsel for each of the defendants referenced herein, namely, Goli Nutrition,
²⁷ Inc., Goli Nutrition Inc., Deepak Agarwal, and Michael Bitensky, filed a waiver of
²⁸ service of summons on February 22, 2023, the “February 2, 2023” date for each
defendant reflects the date notice of the lawsuit and request for waiver of service of
summons was sent.

1 MERICAL, LLC; DLA PIPER
 2 LLP (US),

3 Defendants.

4 Current response date: April 17, 2023
 5 New response date: April 28, 2023

6 Complaint served on Deepak Agarwal:
 7 February 2, 2023
 8 Initial response date: April 3, 2023
 Current response date: April 17, 2023
 New response date: April 28, 2023

9 Complaint served on Michael Bitensky:
 10 February 2, 2023
 11 Initial response date: April 3, 2023
 Current response date: April 17, 2023
 New response date: April 28, 2023

12 TO THE COURT, THE PARTIES, AND THEIR ATTORNEYS OF
 RECORD:

13 WHEREAS, on December 19, 2022, Plaintiff BETTER NUTRITIONALS,
 14 LLC ("Plaintiff") filed a complaint in the United States District Court, Central District
 of California, bearing caption, *Better Nutritionals, LLC v. Goli Nutrition, Inc. et al*,
 Case No. 5:22-cv-02219-SSS-SHK (the "Action");

15 WHEREAS, on December 20, 2022, Plaintiff filed a Chapter 11 Voluntary
 Petition in the United States Bankruptcy Court, Central District of California, thereby
 initiating a bankruptcy action bearing case no. 6:22-bk-14723-MH (the "Bankruptcy
 Action");

16 WHEREAS, on January 9, 2023, Plaintiff filed a First Amended Complaint in
 the Action;

17 Whereas, on January 11, 2023, Plaintiff filed a Corrected First Amended
 Complaint in the Action;

18 WHEREAS, on February 22, 2023, counsel for defendants GOLI
 NUTRITION, INC., a Canadian Corporation, GOLI NUTRITION INC., a Delaware
 Corporation, DEEPAK AGARWAL, and MICHAEL BITENSKY (collectively,
 "Defendants") executed waivers of service of summons, pursuant to which
 Defendants' responses to the Corrected First Amended Complaint in the Action are
 all due 60 days from February 2, 2023, or on April 3, 2023;

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1 WHEREAS, on March 28, 2023, the Bankruptcy Action was converted from a
2 case under chapter 11 of the Bankruptcy Code to a case under chapter 7 of the
3 Bankruptcy Code. Larry D. Simons was appointed as the chapter 7 trustee and
4 representative of Better Nutritionals' estate;

5 WHEREAS, the parties previously agreed and stipulated that Defendants' time
6 to respond to the Corrected First Amended Complaint shall be extended by fourteen
7 (14) days, or to April 17, 2023;

8 WHEREAS, the parties have now agreed and stipulated that Defendants' time
9 to respond to the Corrected First Amended Complaint shall be extended by an
10 additional eleven (11) days, or to April 28, 2023, thereby, combined with the prior
11 extension, resulting in a total extension of twenty-five (25) days;

12 WHEREAS, pursuant to Local Rule 8-3, the parties may extend the time to
13 respond to an initial complaint by not more than thirty (30) days without the approval
14 of the Court;

15 WHEREAS, this further extension will give the chapter 7 trustee additional
16 time to review the allegations of the pleadings herein and the parties additional time
17 to meet and confer regarding same;

18 WHEREAS, the parties agree that the entry into this Stipulation by Defendants
19 shall not constitute waiver of any defenses that may be available to Defendants under
20 Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses
21 under Rule 8 of the Federal Rules of Civil Procedure, or a waiver of any other
22 statutory or common law defenses that may be available to Defendants;

23 WHEREAS, Defendants expressly reserve their rights to raise any such
24 defenses in response to the Corrected First Amended Complaint;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
26 between Plaintiff, Defendants, by and through the undersigned counsel, that
27 Defendants' time to respond to the Corrected First Amended Complaint shall be
28 extended by an additional eleven (11) days, or to April 28, 2023.

1 IT IS HEREBY FURTHER STIPULATED AND AGREED that the entry into
2 this stipulation by Defendants shall not constitute a waiver of any defenses. For the
3 avoidance of doubt, Defendants expressly preserve and do not waive any other
4 defense.

5 Respectfully submitted,

6 Dated: April 11, 2023

CHAPTER 7 TRUSTEE, LARRY D. SIMONS

7

8 By: /s/ Larry D. Simons

9 Larry D. Simons, solely in his capacity as
10 Chapter 7 trustee and representative of
11 Better Nutritionals, LLC's estate

12 Dated: April 11, 2023

CLYDE & CO US LLP

13

14 By: /s/ Ralph A. Guirgis

15 Ralph A. Guirgis
16 Eliot L. Cartwright
17 Mingmei Zhu
18 Attorneys for Defendants,
19 GOLI NUTRITION, INC., a CANADIAN
20 CORPORATION, GOLI NUTRITION
INC., a DELAWARE CORPORATION,
DEEPAK AGARWAL, and MICHAEL
BITENSKY

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 2020 Main Street, Suite 1100, Irvine, CA 92614.

On April 11, 2023, I served true copies of the following document(s) described as **STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT BY NOT MORE THAN 30 DAYS (L.R. 8-3)** on the interested parties in this action as follows:

<p>BG LAW LLP Steven T. Gubner Jason B. Komorsky Jessica L. Bagdanov 21650 Oxnard Street, Suite 500 Woodland Hills, CA 91367</p> <p>Telephone: (818) 827-9000 Facsimile: (818) 827-9099 Email: sgubner@bg.law Email: ikomorsky@bg.law Email: jbagdanov@bg.law</p>	<p>Attorneys for Plaintiff BETTER NUTRITIONALS, LLC</p>
<p>FOLKENFLIK AND MCGERITY LLP Max Folkenflik 1500 Broadway, Suite 810 New York, NY 10036</p> <p>Telephone: (212) 757-0400 Email: mfolkenflik@fmlaw.net</p>	<p>Attorneys for Plaintiff BETTER NUTRITIONALS, LLC</p>
<p>SKLAR KIRSH LLP Justin M. Goldstein William H. Dance 1880 Century Park East Suite 300 Los Angeles, CA 90067</p> <p>Telephone: (310) 845-6416 Facsimile: (310) 929-4469 Email: jgoldstein@sklarkirsh.com Email: wdance@sklarkirsh.com</p>	<p>Attorneys for Co-Defendant MERICAL, LLC</p>

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1 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
2 the document(s) with the Clerk of the Court by using the CM/ECF system.
3 Participants in the case who are registered CM/ECF users will be served by the
4 CM/ECF system. Participants in the case who are not registered CM/ECF users will
5 be served by mail or by other means permitted by the court rules.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct and that I am employed in the office
8 of a member of the bar of this Court at whose direction the service was made.

9 Executed on April 11, 2023, at Irvine, California.

10 _____
11 Conchita Nickles
12

13 CLYDE & CO US LLP
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15 Irvine, California 92614
16 Telephone: (949) 852-8200